

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Serial No.: 76/267,997  
Filed: June 5, 2001  
Applicant: PureTech Waters of America, Inc.  
Mark: VITAL H2O (design)

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NESTLE WATERS NORTH AMERICA INC.,

Opposer,

v.

Opposition No. 91153280

PURETECH WATERS OF AMERICA, INC.,

Applicant.  
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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

ABANDONMENT OF TRADEMARK APPLICATION  
UNDER 37 CFR 2.135

Applicant, PureTech Waters of America, Inc., by mutual consent of the parties,  
hereby abandons with prejudice the above-referenced trademark application.

Respectfully submitted,

Respectfully submitted,

By: Susan Progett  
Name: Susan Progett

By: Arthur G. Schaier  
Arthur G. Schaier, Esq.

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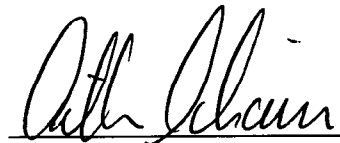
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Attorney for Applicant,  
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## CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing ABANDONMENT OF TRADEMARK APPLICATION UNDER 37 CFR 2.135 was served by mailing a copy to Susan Progoff, Fish & Neave, 1251 Avenue of the Americas, New York, New York 10020, Attorneys for Opposer, by first class mail, with sufficient postage, on July 29, 2004.

  
Arthur G. Schaier

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08-02-2004

U.S. Patent &amp; TMOfr/TM Mail Rpt Dt. #77

TRANSMITTAL

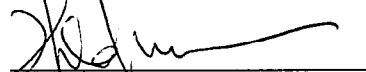
Enclosed please find the following items regarding the above referenced application:

1. Abandonment of Trademark Application Under 37 CFR 2.135 (1 sheet)
2. Certificate of Service (1 sheet)

## CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first class mail in an envelope address to:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

  
Florence S. Chamoures

Date: July 29, 2004

Respectfully submitted,

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